



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**VIA ELECTRONIC MAIL**

Mr. Charles Bennett, Manager of Environmental Affairs  
Knouse Foods Cooperative, Inc.  
53 East Hanover St.  
Biglerville, PA 17307  
[charlie.bennett@knouse.com](mailto:charlie.bennett@knouse.com)

RE: CWA Section 308 Information Requirement

Dear Mr. Bennett:

On September 4, 2020, the United States Environmental Protection Agency ("EPA") conducted an inspection of the Knouse Foods Cooperative, Inc. ("Knouse Foods") facility located at 800 Peach Glen-Idaville Road, Peach Glen, PA 17375 ("Facility"). EPA hereby requires that Knouse Foods provide certain information regarding the Facility. EPA requires this additional information as a part of its investigation of Knouse Foods' compliance with the Clean Water Act ("CWA"), 33 U.S.C. § 1251, and the regulations promulgated thereunder.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Please note that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Knouse Foods is entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires. Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). In the event that Knouse Foods asserts a claim of business confidentiality with respect to any document, Knouse Foods should provide EPA with a redacted version of the document which does not contain any claimed business confidential information and which can be distributed to the public if requested. EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to Knouse Foods.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501.

EPA is cognizant of potential worker shortages due to the COVID-19 pandemic as well as the travel and social distancing restrictions imposed by both governments and corporations or recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19. The consequences of the pandemic may affect facility operations and the availability of key staff and contractors. Due to the uncertainty surrounding the COVID-19 public health emergency, we understand that Knouse Foods may not have complete information at this time. In that case, Knouse Foods should provide within 30 days a partial response with all available information and a detailed explanation of the circumstances that prevent Knouse Foods from providing a complete response. Knouse Foods shall then submit a final response when complete information is accessible. If Knouse Foods submits a partial response, please indicate that a complete response will follow.

If you have any factual questions concerning this information request, please contact Mr. Chad Harsh at (215) 814-2633.

Sincerely,

Rick Rogers, Chief  
Water Branch  
Enforcement and Compliance Assurance Division

Enclosures

cc: Victor Landis, PADEP ([vlandis@pa.gov](mailto:vlandis@pa.gov))

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

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In the Matter of:

Knouse Foods Cooperative, Inc.  
800 Peach Glen-Idaville Road  
Peach Glen, PA 17375

Respondent

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Proceeding under Section 308 of the  
Clean Water Act, 33 U.S.C. § 1318

**INFORMATION REQUIREMENT**

**I. STATUTORY AUTHORITY**

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Enforcement and Compliance Assurance Division of EPA Region III, who in turn has delegated it to the Chief of the Water Branch. EPA hereby requires Knouse Foods Cooperative, Inc. ("Knouse Foods", "Respondent") to provide the information specified below.

**II. STATUTORY AND REGULATORY BACKGROUND**

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:
  - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
  - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;

- c. any requirement under Section 308 of the CWA; and
  - d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
  4. You may assert a business confidentiality claim covering all or part of the information submitted in response to this Requirement in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by a business confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information submitted when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information.
  5. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).
  6. This Information Requirement does not preclude EPA from performing inspections.

### **III. INSTRUCTIONS**

7. Provide a separate narrative response for each question set forth below and for each subpart of each question.
8. Identify each answer with the corresponding number of the question and subpart to which it responds.
9. State the name, address, email address, telephone number, and occupation of each person providing responses, or contributing information to responses, to each request for information below.
10. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
11. Answer each question to the extent possible. If any question cannot be answered in full, explain why to the extent possible. If your responses are qualified in any manner, please explain.
12. If information or documents unknown or unavailable to you as of the date of your response to this request become known or available to you after submitting your response to the request, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a

corrected response.

13. Each submission pursuant to this request must be accompanied by the following certification and must be signed by a representative of Knouse Foods authorized to respond on behalf of that entity.

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."*

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

14. All information shall be submitted within thirty (30) days of receipt of this Information Requirement electronically to:

Chad Harsh  
Enforcement and Compliance Assurance Division  
United States Environmental Protection Agency, Region III  
1650 Arch Street (3ED32)  
Philadelphia, PA 19103-2029  
[harsh.chad@epa.gov](mailto:harsh.chad@epa.gov)

If you are unable to send requested documentation electronically, please contact Chad Harsh via phone or email to discuss alternate delivery methods. In both your message and written response, please indicate the specific information requested by EPA that you are unable to provide electronically.

15. If you have questions regarding this Information Requirement, you may contact Chad Harsh of the Enforcement and Compliance Assurance Division at [harsh.chad@epa.gov](mailto:harsh.chad@epa.gov) or (215) 814-2633.

## **V. INFORMATION REQUIREMENT**

The Respondent is hereby required, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, to submit the following information to EPA within thirty (30) calendar days of receipt of this Information Requirement:

16. Provide a narrative description of the Knouse Foods facility covered by NPDES Permit No. PA0262072, including operational processes and water pollution control equipment. Include in your response a site map that includes all outfall locations.
17. Attached is a spreadsheet with exceedances of effluent limitations contained in NPDES Permit No. PA0262072 identified in EPA's data systems for the period October 1, 2015 through September 30, 2020 and based on discharge monitoring reports (DMR) submitted by

Knouse Foods. Please identify any additional effluent exceedances for the period this period not identified on the spreadsheet.

18. For each exceedance identified in Paragraph 17, provide a detailed narrative description of the cause of the exceedance and any measure you have taken or intend to take to correct the exceedance or prevent future exceedances. Include completed or scheduled dates for each identified measure. If applicable, include noncompliance notifications submitted to Pennsylvania Department of Environmental Protection (PADEP).
19. Provide copies of any documents identified in or in support of your responses to questions 16-18, including copies of DMRs for violations identified in Paragraph 17.
20. Provide copies of any notices of noncompliance and any enforcement actions issued by PADEP for the violations identified in Paragraph 17.
21. Provide any additional information related to violations that impact the current compliance status at the facility, other than those exceedances identified in Paragraph 17.

## **VI. EFFECTIVE DATE**

This INFORMATION REQUIREMENT is effective upon receipt.

Date: \_\_\_\_\_

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Richard A. Rogers, Chief  
Water Branch  
Enforcement and Compliance Assurance Division

# ATTACHMENT 1

## Effluent Limit Exceedances Report

PA0262072: KNOUSE FOODS COOP INC PEACH GLEN PLANT, GARDNERS, PA 17324

Monitoring Period Date Range: 10/01/2015 to 09/30/2020

Monitoring Period Date	Outfall	Parameter Description	Limit Type	DMR Value	DMR Value Unit	Limit Value	Limit Value Unit
10/31/2017	1	Nitrogen, total (as N)	DAILY MX	24.3	mg/L	24	mg/L
10/31/2017	1	Nitrogen, total (as N)	MO AVG	24.3	mg/L	12	mg/L
10/31/2017	1	Phosphorus, total (as P)	MO AVG	2.1	mg/L	1	mg/L
10/31/2017	1	Phosphorus, total (as P)	DAILY MX	2.1	mg/L	2	mg/L
11/30/2017	1	Phosphorus, total (as P)	MO AVG	1.3	mg/L	1	mg/L
11/30/2017	1	Phosphorus, total (as P)	DAILY MX	2.7	mg/L	2	mg/L
12/31/2017	1	Nitrogen, total (as N)	DAILY MX	29.7	mg/L	24	mg/L
12/31/2017	1	Phosphorus, total (as P)	DAILY MX	2.3	mg/L	2	mg/L
1/31/2018	1	Nitrogen, total (as N)	DAILY MX	40	mg/L	24	mg/L
1/31/2018	1	Phosphorus, total (as P)	MO AVG	0.861678	kg/d	0.816327	kg/d
1/31/2018	1	Phosphorus, total (as P)	DAILY MX	2.6	mg/L	2	mg/L
1/31/2018	1	Phosphorus, total (as P)	MO AVG	1.6	mg/L	1	mg/L
3/31/2018	2	Oxygen, dissolved (DO)	MINIMUM	4.9	mg/L	5	mg/L
3/31/2018	2	Solids, total suspended	MO AVG	63	mg/L	30	mg/L
4/30/2018	2	Solids, total suspended	MO AVG	64	mg/L	30	mg/L
5/31/2018	1	Nitrogen, total (as N)	DAILY MX	26	mg/L	24	mg/L
5/31/2018	1	Nitrogen, total (as N)	MO AVG	9.977324	kg/d	9.84127	kg/d
5/31/2018	1	Phosphorus, total (as P)	DAILY MX	2.267574	kg/d	1.632653	kg/d
5/31/2018	1	Phosphorus, total (as P)	DAILY MX	2.9	mg/L	2	mg/L
5/31/2018	1	Phosphorus, total (as P)	MO AVG	0.907029	kg/d	0.816327	kg/d
5/31/2018	1	Phosphorus, total (as P)	MO AVG	1.19	mg/L	1	mg/L
5/31/2018	1	Zinc, total (as Zn)	MO AVG	0.090703	kg/d	0.07619	kg/d
6/30/2018	1	Nitrogen, total (as N)	MO AVG	14.05896	kg/d	9.84127	kg/d
6/30/2018	1	Nitrogen, total (as N)	MO AVG	14.08	mg/L	12	mg/L
6/30/2018	1	Nitrogen, total (as N)	DAILY	41	mg/L	24	mg/L

		N)	MX				
6/30/2018	1	Nitrogen, total (as N)	DAILY MX	43.99093	kg/d	19.68254	kg/d
6/30/2018	2	Solids, total suspended	MO AVG	46	mg/L	30	mg/L
7/31/2018	1	Nitrogen, total (as N)	DAILY MX	23.58277	kg/d	19.68254	kg/d
8/31/2018	1	Aluminum, total (as Al)	DAILY MX	0.907029	kg/d	0.745125	kg/d
8/31/2018	1	Aluminum, total (as Al)	MO AVG	0.95	mg/L	0.582	mg/L
8/31/2018	1	Aluminum, total (as Al)	DAILY MX	1.59	mg/L	0.908	mg/L
9/30/2018	1	Aluminum, total (as Al)	MO AVG	0.67	mg/L	0.582	mg/L
10/31/2018	1	Solids, total suspended	DAILY MX	60.31746	kg/d	16.41723	kg/d
10/31/2018	1	Solids, total suspended	MO AVG	16.32653	kg/d	8.208617	kg/d
10/31/2018	1	Solids, total suspended	MO AVG	26	mg/L	10	mg/L
10/31/2018	1	Solids, total suspended	DAILY MX	96	mg/L	20	mg/L
11/30/2018	2	Solids, total suspended	MO AVG	58	mg/L	30	mg/L
1/31/2019	1	BOD, 5-day, 20 deg. C	DAILY MX	38	mg/L	20	mg/L
1/31/2019	1	BOD, 5-day, 20 deg. C	DAILY MX	25.39683	kg/d	16.41723	kg/d
1/31/2019	1	BOD, 5-day, 20 deg. C	MO AVG	10.6	mg/L	10	mg/L
1/31/2019	1	Solids, total suspended	MO AVG	14.42177	kg/d	8.208617	kg/d
1/31/2019	1	Solids, total suspended	MO AVG	22.2	mg/L	10	mg/L
1/31/2019	1	Solids, total suspended	DAILY MX	89	mg/L	20	mg/L
1/31/2019	1	Solids, total suspended	DAILY MX	59.50113	kg/d	16.41723	kg/d
1/31/2019	1	Nitrogen, total (as N)	MO AVG	13	mg/L	12	mg/L
1/31/2019	1	Nitrogen, total (as N)	DAILY MX	40.0907	kg/d	19.68254	kg/d
1/31/2019	1	Nitrogen, total (as N)	DAILY MX	60	mg/L	24	mg/L
1/31/2019	1	Phosphorus, total (as P)	DAILY MX	2.8	mg/L	2	mg/L
1/31/2019	1	Phosphorus, total (as P)	DAILY MX	1.85941	kg/d	1.632653	kg/d
1/31/2019	2	Solids, total suspended	MO AVG	86	mg/L	30	mg/L
2/28/2019	2	Solids, total suspended	MO AVG	32.5	mg/L	30	mg/L
3/31/2019	1	Nitrogen, total (as N)	DAILY MX	50.79365	kg/d	19.68254	kg/d
3/31/2019	1	Nitrogen, total (as N)	DAILY MX	60.4	mg/L	24	mg/L
4/30/2019	1	Nitrogen, total (as N)	DAILY MX	56	mg/L	24	mg/L



4/30/2019	1	Nitrogen, total (as N)	MO AVG	12.8	mg/L	12	mg/L
4/30/2019	1	Nitrogen, total (as N)	DAILY MX	36.68934	kg/d	19.68254	kg/d
4/30/2019	1	Nitrogen, ammonia total (as N)	DAILY MX	10.11338	kg/d	9.84127	kg/d
4/30/2019	1	Nitrogen, ammonia total (as N)	DAILY MX	13	mg/L	12	mg/L
5/31/2019	1	Nitrogen, ammonia total (as N)	DAILY MX	7.3	mg/L	4	mg/L
5/31/2019	1	Nitrogen, ammonia total (as N)	DAILY MX	4.353741	kg/d	3.265306	kg/d
6/30/2019	1	Phosphorus, total (as P)	DAILY MX	2.4	mg/L	2	mg/L
6/30/2019	1	Phosphorus, total (as P)	DAILY MX	2.086168	kg/d	1.632653	kg/d
6/30/2019	1	Zinc, total (as Zn)	DAILY MX	0.181406	kg/d	0.118821	kg/d
6/30/2019	1	Zinc, total (as Zn)	DAILY MX	0.188	mg/L	0.145	mg/L
6/30/2019	1	Zinc, total (as Zn)	MO AVG	0.1268	mg/L	0.0929	mg/L
6/30/2019	1	Zinc, total (as Zn)	MO AVG	0.090703	kg/d	0.07619	kg/d
6/30/2019	2	Coliform, fecal general	INST MAX	6000	CFU/100m L	1000	CFU/100m L
7/31/2019	1	Nitrogen, total (as N)	DAILY MX	24.4898	kg/d	19.68254	kg/d
7/31/2019	1	Nitrogen, total (as N)	DAILY MX	28	mg/L	24	mg/L
7/31/2019	1	Phosphorus, total (as P)	DAILY MX	4.3	mg/L	2	mg/L
7/31/2019	1	Phosphorus, total (as P)	MO AVG	1.4	mg/L	1	mg/L
7/31/2019	1	Phosphorus, total (as P)	DAILY MX	3.401361	kg/d	1.632653	kg/d
7/31/2019	1	Phosphorus, total (as P)	MO AVG	0.997732	kg/d	0.816327	kg/d
7/31/2019	1	Zinc, total (as Zn)	DAILY MX	0.136054	kg/d	0.118821	kg/d
7/31/2019	1	Zinc, total (as Zn)	DAILY MX	0.146	mg/L	0.145	mg/L
8/31/2019	1	Phosphorus, total (as P)	MO AVG	0.997732	kg/d	0.816327	kg/d
8/31/2019	1	Phosphorus, total (as P)	DAILY MX	2.086168	kg/d	1.632653	kg/d
8/31/2019	1	Phosphorus, total (as P)	DAILY MX	2.6	mg/L	2	mg/L
8/31/2019	1	Phosphorus, total (as P)	MO AVG	1.3	mg/L	1	mg/L
9/30/2019	1	Zinc, total (as Zn)	DAILY MX	0.136054	kg/d	0.118821	kg/d
9/30/2019	1	Zinc, total (as Zn)	DAILY MX	0.15	mg/L	0.145	mg/L
9/30/2019	1	Aluminum, total (as Al)	MO AVG	0.75	mg/L	0.582	mg/L
9/30/2019	1	Aluminum, total	MO AVG	0.513832	kg/d	0.477551	kg/d

		(as Al)					
10/31/2019	2	Solids, total suspended	MO AVG	64.5	mg/L	30	mg/L
10/31/2019	2	BOD, carbonaceous, 05 day, 20 C	MO AVG	43	mg/L	25	mg/L
5/31/2020	1	Aluminum, total (as Al)	MO AVG	0.638	mg/L	0.582	mg/L
6/30/2020	1	Solids, total suspended	DAILY MX	20	kg/d	16.41723	kg/d
6/30/2020	1	Solids, total suspended	DAILY MX	32	mg/L	20	mg/L
6/30/2020	1	Solids, total suspended	MO AVG	12.3	mg/L	10	mg/L
6/30/2020	1	Aluminum, total (as Al)	MO AVG	0.674	mg/L	0.582	mg/L
7/31/2020	1	Phosphorus, total (as P)	MO AVG	1.1	mg/L	1	mg/L
7/31/2020	1	Phosphorus, total (as P)	DAILY MX	3.3	mg/L	2	mg/L
8/31/2020	1	Nitrogen, ammonia total (as N)	DAILY MX	5.1	mg/L	4	mg/L
8/31/2020	1	Phosphorus, total (as P)	DAILY MX	2.5	mg/L	2	mg/L
8/31/2020	1	Zinc, total (as Zn)	MO AVG	0.1068	mg/L	0.0929	mg/L
8/31/2020	1	Zinc, total (as Zn)	DAILY MX	0.24	mg/L	0.145	mg/L
8/31/2020	1	Zinc, total (as Zn)	DAILY MX	0.136054	kg/d	0.118821	kg/d
8/31/2020	1	Aluminum, total (as Al)	MO AVG	0.608	mg/L	0.582	mg/L